

HOUSE BILL 364

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HB 1127/00 - ENV

2001 Regular Session  
11r0637

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By: **Delegates J. Kelly, Amedori, W. Baker, Boutin, Conroy, Dewberry, Getty,  
Hutchins, Kach, Klima, O'Donnell, Owings, Rzepkowski, Sophocleus,  
and Stocksdale**

Introduced and read first time: January 31, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Aborted Children Exploitation Prevention Act**

3 FOR the purpose of prohibiting a person from engaging or participating in the  
4 exploitation of aborted children; prohibiting the use of certain facilities for the  
5 exploitation of aborted children; prohibiting the use of certain funds for the  
6 exploitation of aborted children; establishing a cause of action for violation of  
7 this Act; defining certain terms; making the provisions of this Act severable; and  
8 generally relating to exploitation of aborted children.

9 BY adding to

10 Article - Health - General  
11 Section 20-209.1  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health - General**

17 20-209.1.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "ABORTED CHILDREN" MEANS HUMAN FETAL TISSUE, CELLS, OR  
21 ORGANS THAT ARE OBTAINED FROM A LIVING OR DEAD EMBRYO OR FETUS DURING  
22 OR AFTER AN INDUCED ABORTION BUT DOES NOT INCLUDE HUMAN FETAL TISSUE,  
23 CELLS, OR ORGANS THAT ARE OBTAINED FROM A SPONTANEOUS ABORTION OR AN  
24 ECTOPIC PREGNANCY.

25 (3) "EXPLOITATION OF ABORTED CHILDREN" MEANS THE SALE, GIFT,  
26 BARTER, EXCHANGE, OR PURCHASE OF OR THE OFFER TO SELL, GIVE, BARTER,

1 EXCHANGE, OR PURCHASE ANY ABORTED CHILDREN FOR RESEARCH OR  
2 TREATMENT, INCLUDING TRANSPLANTATION, THAT UTILIZES ABORTED CHILDREN,  
3 BUT DOES NOT INCLUDE ABORTION, THE REMOVAL OF ABORTED CHILDREN FROM  
4 THEIR MOTHERS, TREATMENT OF A LIVING ABORTED CHILD, AUTOPSIES OR  
5 PATHOLOGICAL TESTING, OR RESEARCH CONCERNING THE SAFETY OF ABORTION.

6 (B) A PERSON MAY NOT ENGAGE OR PARTICIPATE IN THE EXPLOITATION OF  
7 ABORTED CHILDREN.

8 (C) A PERSON EMPLOYED BY THE STATE, OR ANY AGENCY OR POLITICAL  
9 SUBDIVISION OF THE STATE, MAY NOT, WITHIN THE SCOPE OF THE PERSON'S  
10 EMPLOYMENT, ENGAGE OR PARTICIPATE IN EXPLOITATION OF ABORTED CHILDREN.

11 (D) A PERSON MAY NOT USE ANY PUBLIC INSTITUTION, PUBLIC FACILITY,  
12 PUBLIC EQUIPMENT, OR ANY PHYSICAL ASSET OWNED, LEASED, OR CONTROLLED BY  
13 THE STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THE STATE FOR  
14 EXPLOITATION OF ABORTED CHILDREN.

15 (E) A PERSON MAY NOT USE ANY FUNDS RECEIVED OR CONTROLLED BY THE  
16 STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THE STATE, INCLUDING  
17 FUNDS DERIVED FROM FEDERAL, STATE, OR LOCAL TAXES, OR GIFTS OR GRANTS  
18 FROM ANY SOURCE, PUBLIC OR PRIVATE, FOR EXPLOITATION OF ABORTED  
19 CHILDREN.

20 (F) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE USE OF  
21 PHYSICAL ASSETS OR FACILITIES PROVIDED TO THE PUBLIC AT LARGE, SUCH AS  
22 UTILITIES AND WATER SUPPLY, BY PRIVATE ENTITIES.

23 (G) A PERSON MAY NOT POSSESS:

24 (1) A FETUS BORN DEAD AS A RESULT OF A LEGAL ABORTION; OR

25 (2) ANY ORGAN, MEMBER, OR TISSUE OF FETAL MATERIAL RESULTING  
26 FROM A LEGAL ABORTION.

27 (H) THE ATTORNEY GENERAL MAY MAINTAIN AN ACTION IN THE DISTRICT  
28 COURT OF APPROPRIATE JURISDICTION AGAINST ANY PERSON OR ENTITY WHO HAS  
29 VIOLATED ANY PROVISION WITHIN THIS SECTION:

30 (1) TO OBTAIN AN INJUNCTION AGAINST FUTURE VIOLATION OF THIS  
31 SECTION; OR

32 (2) FOR CIVIL CONTEMPT AGAINST ANY PERSON WHO HAS  
33 INTENTIONALLY VIOLATED AN INJUNCTION ISSUED IN ACCORDANCE WITH THIS  
34 SECTION.

35 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
36 Act or the application thereof to any person or circumstance is held invalid for any  
37 reason in a court of competent jurisdiction, the invalidity does not affect other  
38 provisions or any other application of this Act which can be given effect without the

1 invalid provision or application, and for this purpose the provisions of this Act are  
2 declared severable.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2001.